

FIRST REGULAR SESSION

HOUSE BILL NO. 819

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROSS.

1557H.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 108.905, 226.445, 253.010, 253.024, 253.035, 253.040, 253.065, 253.067, 253.070, 253.080, 253.082, 253.090, 253.095, 253.100, 253.110, 253.120, 253.130, 253.150, 253.155, 253.185, 253.195, 253.200, 253.210, 253.220, 253.230, 253.240, 253.250, 253.260, 253.270, 253.280, 253.290, 253.300, 253.320, 253.350, 253.360, 253.370, 253.530, 253.540, 258.083, 261.023, 304.013, 304.032, 304.033, 577.073, 620.010, 620.465, 640.010, 640.012, 640.015, 640.016, RSMo, and to enact in lieu thereof fifty new sections relating to natural resources, with a contingent effective date and penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 108.905, 226.445, 253.010, 253.024, 253.035, 253.040, 253.065, 253.067, 253.070, 253.080, 253.082, 253.090, 253.095, 253.100, 253.110, 253.120, 253.130, 253.150, 253.155, 253.185, 253.195, 253.200, 253.210, 253.220, 253.230, 253.240, 253.250, 253.260, 253.270, 253.280, 253.290, 253.300, 253.320, 253.350, 253.360, 253.370, 253.530, 253.540, 258.083, 261.023, 304.013, 304.032, 304.033, 577.073, 620.010, 620.465, 640.010, 640.012, 640.015, 640.016, RSMo, are repealed and fifty new sections enacted in lieu thereof, to be known as sections 108.905, 226.445, 253.010, 253.024, 253.035, 253.040, 253.065, 253.067, 253.070, 253.080, 253.082, 253.090, 253.095, 253.100, 253.110, 253.120, 253.130, 253.150, 253.155, 253.185, 253.195, 253.200, 253.210, 253.220, 253.230, 253.240, 253.250, 253.260, 253.270, 253.280, 253.290, 253.300, 253.320, 253.350, 253.360, 253.370, 253.530, 253.540, 258.083, 261.023, 304.013, 304.032, 304.033, 577.073, 620.010, 620.465, 640.010, 640.012, 640.015, 640.016, to read as follows:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

108.905. The general assembly may appropriate in any year such amount from the third state building fund as it determines to be necessary for the purposes specified herein. Any amount so appropriated in any year shall be distributed according to the following guidelines:

(1) A minimum of 20% of the total amount of appropriations from the third state building fund in any year shall be used for the repair, replacement and maintenance of state buildings and facilities as determined by the general assembly;

(2) 15% of the total amount of appropriations from the third state building fund in any year shall be allocated for the purpose of stimulating economic development in this state and shall be distributed as follows:

(a) 20% of the appropriations under this subdivision shall be appropriated to the department of transportation for highway purposes;

(b) 20% of the appropriations under this subdivision shall be appropriated to the office of the governor or a department so designated by the governor for transportation purposes other than highways and for capital improvement expenditures as they relate to projects relating to chapter 68;

(c) 20% of the appropriations under this subdivision shall be appropriated to fund grants administered pursuant to section 644.031;

(d) 26.6% of the appropriations under this subdivision shall be appropriated to fund grants administered pursuant to section 278.080;

(e) 13.4% of the appropriations under this subdivision shall be appropriated to fund grants administered pursuant to sections 192.600 to 192.620;

(3) A maximum of 65% of the total amount appropriated from the third state building fund in any year shall be distributed among the following departments and agencies of state government as follows:

(a) 2.7% of the appropriations under this subdivision shall be appropriated to the department of agriculture;

(b) .2% of the appropriations under this subdivision shall be appropriated to the department of elementary and secondary education;

(c) 36.3% of the appropriations under this subdivision shall be appropriated to the department of higher education;

(d) 17.0% of the appropriations under this subdivision shall be appropriated to the department of mental health;

(e) 15.5% of the appropriations under this subdivision shall be appropriated to the [department of natural resources] **division of tourism within the department of economic development** for state parks [and historic preservation];

36 (f) 1.9% of the appropriations under this subdivision shall be appropriated to the
37 department of public safety;

38 (g) 18.4% of the appropriations under this subdivision shall be appropriated to the
39 department of corrections and human resources;

40 (h) 3.4% of the appropriations under this subdivision shall be appropriated to the
41 department of social services;

42 (i) 5.0% of the appropriations under this subdivision shall be appropriated to the board
43 of public buildings for planning for capital improvement projects to be funded from the third
44 state building fund.

226.445. 1. The commission shall be composed of nine members who are residents of
2 the state of Missouri. Two of the commissioners shall be members of the senate appointed by
3 the president pro tem of the senate, two shall be members of the house of representatives
4 appointed by the speaker of the house of representatives, and five shall be appointed by the
5 governor with the advice and consent of the senate. No two committee members appointed by
6 the speaker of the house of representatives or appointed by the president pro tem of the senate
7 shall be members of the same political party, and no more than three of the members appointed
8 by the governor shall be members of the same political party. All members, other than
9 legislative members, shall reside in counties which are adjacent to the Mississippi River. To the
10 extent practicable, legislative members shall represent counties which are adjacent to the
11 Mississippi River. The director of the department of transportation or the director's designee;
12 the director of the division of tourism of the department of economic development or the
13 director's designee; the director of the department of conservation or the director's designee; the
14 director of the division of state parks of the [department of natural resources] **division of**
15 **tourism within the department of economic development** or the director's designee; the
16 director of the department of agriculture or the director's designee and the director of the
17 department of economic development or the director's designee shall be ex officio members in
18 addition to the nine members provided. Nothing in this section shall be construed to mandate
19 the attendance of any ex officio members to any commission meeting or commission-related
20 function. All costs associated with travel of any ex officio member to any commission meeting
21 or any commission-related function shall be paid from the existing budget of the department
22 represented by the ex officio member. No funds of the Mississippi River Parkway Commission
23 shall be used to pay the costs associated with such travel by any ex officio member.

24 2. Commission members serving on August 28, 1996, shall continue to serve the
25 remainder of their term. The first two terms to expire shall be filled by one appointment by the
26 speaker of the house of representatives and one by the president pro tem of the senate. The
27 speaker of the house of representatives and president pro tem of the senate shall each appoint one

28 other member after August 28, 1996. The governor shall fill the remaining five positions on the
29 commission as their terms expire. The term of each member appointed by the governor after
30 August 28, 1996, shall be five years. Legislative members shall serve during their term of office
31 as a member of the general assembly or five years, whichever is shorter. A chairperson shall be
32 chosen from the membership for a two-year term during the first regular meeting of the
33 commission in odd-numbered years; however, no member of the general assembly shall serve
34 as chairperson of the commission. All members shall serve until their successors are appointed
35 and qualified. Vacancies on the commission shall be filled in the same manner and by the same
36 appointing authority as the original appointment. The national commission shall be notified of
37 all such appointments, and shall be given the names and addresses of the appointed members.

38 3. The governor may remove any member appointed by the governor for cause or for
39 continued nonfeasance.

40 4. The members of the commission shall not receive any compensation for their services
41 but shall be reimbursed for their actual and necessary expenses incurred in the performance of
42 their duties as members of the commission from moneys appropriated therefor from general
43 revenue.

44 5. The commission shall be assigned to the department of transportation. No staff or
45 personnel shall be hired, employed, or contracted for by the commission, but the department of
46 transportation may provide such staff services as may be necessary for the commission.

253.010. As used in this chapter, the following words shall mean:

2 (1) "Department", the department of [natural resources] **economic development**;

3 (2) "Land", upland, land under water, the water itself and every estate, interest and right,
4 legal or equitable in land or water;

5 (3) "Park", any land, site or object primarily of recreational value or of cultural value
6 because of its scenic, historic, prehistoric, archeologic, scientific, or other distinctive
7 characteristics or natural features;

8 (4) "Parkway", an elongated area of parkland, usually contiguous to a pleasure driveway
9 and often containing recreational areas.

253.024. 1. On or before Wednesday after the first Monday in January of each year in
2 which the [department of natural resources] **division of tourism within the department of**
3 **economic development** desires to receive and expend moneys received from the federal
4 government in the next state fiscal year they shall submit to the senate appropriations committee,
5 to the house appropriations committee, and to the oversight division of the committee on
6 legislative research plans for the expenditure of such funds. In addition to other information
7 which may be required by the chairman of the committees, each plan shall contain at least but
8 not be limited to the following:

- 9 (1) Amount of federal funds required;
- 10 (2) Amount of state funds required, either directly or indirectly;
- 11 (3) The federal program number and its expected duration;
- 12 (4) The number of all new or additional employees required to administer the program,
- 13 their salaries and the source of the revenue to maintain their salaries;
- 14 (5) Schedule, both chronological and fiscal, of the expenditures of all funds involved in
- 15 the program;
- 16 (6) Specific details as to the objective of the program for the next fiscal year; and
- 17 (7) The projected completion date of the program.
- 18 2. A detailed performance report of each federally funded program shall be submitted
- 19 quarterly to the committees after the start of the next fiscal year.
- 20 3. The [department of natural resources] **division of tourism within the department**
- 21 **of economic development** may not add additional federal programs to or expand current
- 22 federally funded programs above a level specified in plans theretofore approved by the
- 23 legislature.
- 24 4. Programs which are to be continued for a period of more than one fiscal year shall be
- 25 submitted to the legislature for approval or rejection.
- 26 5. Nothing in this section and section 253.022 shall be construed to apply to federal
- 27 funds no part of which will be retained by the [department of natural resources] **division of**
- 28 **tourism within the department of economic development.**
- 253.035. 1. The director of the [department of natural resources] **division of tourism**
- 2 **within the department of economic development** may make and promulgate all reasonable
- 3 rules and regulations necessary for the proper maintenance, improvement, acquisition and
- 4 preservation of all state parks.
- 5 2. The rules and regulations of the director not relating to its organization and internal
- 6 management shall become effective not less than ten days after being filed with the secretary of
- 7 state, as provided in chapter 536. No rule or portion of a rule promulgated under the authority
- 8 of this chapter shall become effective unless it has been promulgated pursuant to the provisions
- 9 of section 536.024.
- 10 3. Any person who shall violate a rule issued pursuant to subsection 2 of this section
- 11 pertaining to the conduct of park visitors or the use by the public of park facilities shall be
- 12 subject to removal from a state park and shall be subject to other punishment as otherwise
- 13 provided by law.
- 253.040. 1. The [department of natural resources] **division of tourism within the**
- 2 **department of economic development** is hereby authorized to accept or acquire by purchase,
- 3 lease, donation, agreement or eminent domain, any lands, or rights in lands, sites, objects or

4 facilities which in its opinion should be held, preserved, improved and maintained for park or
5 parkway purposes. The [department of natural resources] **division of tourism within the**
6 **department of economic development** is authorized to improve, maintain, operate and regulate
7 any such lands, sites, objects or facilities when such action would promote the park program and
8 the general welfare. The [department of natural resources] **division of tourism within the**
9 **department of economic development** is further authorized to accept gifts, bequests or
10 contributions of money or other real or personal property to be expended for any of the purposes
11 of sections 253.010 to 253.100; except that any contributions of money to the [department of
12 natural resources] **division of tourism within the department of economic development** shall
13 be deposited with the state treasurer to the credit of the state park earnings fund and expended
14 upon authorization of the [department of natural resources] **division of tourism within the**
15 **department of economic development** for the purposes of sections 253.010 to 253.100 and for
16 no other purposes.

17 2. In the event the right of eminent domain be exercised, it shall be exercised in the same
18 manner as now or hereafter provided for the exercise of eminent domain by the state highways
19 and transportation commission.

253.065. 1. Each park ranger employed by the director of the [department of natural
2 resources] **division of tourism within the department of economic development** and such
3 other employees as may be designated by the director shall be certified by the director of the
4 department of public safety, as provided in chapter 590. Each such person shall take and
5 subscribe an oath of office to perform his duties faithfully and impartially and shall be given a
6 certificate of commission as a peace officer for state parks. The commission shall grant him the
7 same powers as other peace officers to maintain order, preserve the peace and make arrests for
8 violations of law on all land under the jurisdiction and control of the director and on all state and
9 county highways within the boundaries of state parks.

10 2. Each park ranger shall have the authority to have abandoned vehicles or watercraft
11 removed from state and county roads within state parks and from all land and water owned,
12 leased or under the supervision of the [department of natural resources] **division of tourism**
13 **within the department of economic development**, if the vehicle has been left unattended on
14 the land or in the water, on the roadway or right-of-way for a period of forty-eight hours. If the
15 vehicle is creating a safety or health hazard, it may be removed as soon as is practical. The
16 procedure contained in section 304.155 shall be observed for reporting the storage location,
17 notification of the owner and disposal of the vehicle or watercraft.

253.067. 1. The division of state parks within the [department of natural resources]
2 **division of tourism within the department of economic development** is authorized to develop,

3 recruit, train and accept the services of volunteers, which services shall supplement the programs
4 administered by the department or division.

5 2. Volunteers recruited, trained or accepted by the division shall comply with applicable
6 rules and policies of the department and the division.

7 3. The division shall:

8 (1) Provide necessary staff for the management and development of volunteer programs;

9 (2) Develop opportunities for citizen involvement in division-administered programs;

10 (3) Develop and provide to all volunteers written rules governing the job descriptions,
11 recruitment, screening, training, responsibility, use and supervision of volunteers;

12 (4) Educate volunteers regarding their duties and responsibilities;

13 (5) Provide a receptive environment for citizen involvement; and

14 (6) Provide for the recognition of volunteers who have offered exceptional service to the
15 division.

16 4. Volunteers shall be deemed unpaid employees and shall be accorded the protection
17 of legal expense fund and liability provisions.

18 5. Reimbursement for transportation and other necessary expenses may be furnished to
19 those volunteers whose presence on special assignment is determined to be necessary by the
20 division. Such expenses shall be reimbursed from the regular appropriations of the division.
21 Volunteers may use state vehicles in the performance of division-related duties, subject to those
22 rules and regulations governing use of state vehicles by paid staff.

23 6. As used in this section, "volunteer" shall mean any person who, of his own free will,
24 performs any assigned duties for the division with no monetary or material compensation.

25 7. Any person serving as a volunteer may be terminated from service in that capacity by
26 the director of the division.

253.070. The [department of natural resources] **division of tourism within the**
2 **department of economic development** may make such expenditures, or may authorize the
3 director to make such expenditures, as are necessary to perform the duties imposed upon it by
4 law. Expenditures by the [department of natural resources] **division of tourism within the**
5 **department of economic development** shall be allowed and paid out of funds appropriated for
6 such purposes in the manner provided by law.

253.080. 1. The director of the [department of natural resources] **division of tourism**
2 **within the department of economic development** may construct, establish and operate suitable
3 public services, privileges, conveniences and facilities on any land, site or object under the
4 department's jurisdiction and control, and may charge and collect reasonable fees for the use of
5 the same. The director may charge reasonable fees for supplying services on state park areas.
6 Any facilities so constructed under this provision shall only be done by appropriated funds.

7 2. The director may award by contract to any suitable person, persons, corporation or
8 association the right to construct, establish and operate public services, privileges, conveniences
9 and facilities on any land, site or object under the department's control for a period not to exceed
10 twenty-five years with a renewal option, and may supervise and regulate any and all charges and
11 fees of operations by private enterprise for supplying services and operating facilities on state
12 park areas.

13 3. All contracts awarded under this section shall be entered into upon the basis of
14 competitive sealed bids. A sworn financial statement shall accompany each bid, and all contracts
15 shall be let by the director at a regular meeting after public notice of the time of the letting. All
16 bids submitted prior to the opening of the meeting shall be considered. Advertisements for bids
17 in daily or weekly newspapers shall be made by the director. The director shall accept the bid
18 most favorable to the state from a responsible and reputable person but may, for good cause,
19 reject any bid.

20 4. The director shall not enter into a contract or a renewal for a contract as provided in
21 subsection 2 of this section for a period in excess of ten years unless the director determines that
22 the extended contract period is necessary to allow the contractor to make substantial capital or
23 other improvements to the site subject to the contract and such improvements are of sufficient
24 value to the state to necessitate the longer contract term.

25 5. A good and sufficient bond conditioned upon the faithful performance of the contract
26 and compliance with this law shall be required of all contractors, except that if the contractor
27 states he is unable to provide a bond, the contractor shall place a cash reserve in an escrow
28 account in an amount proportional to the volume of the contractor's business on the lands
29 controlled by the [department of natural resources] **division of tourism within the department**
30 **of economic development**.

31 6. Any person who contracts under this section with the state shall keep true and accurate
32 records of his receipts and disbursements arising out of the performance of the contract and shall
33 permit the division of parks and recreation of the [department of natural resources] **division of**
34 **tourism within the department of economic development** and the state director of revenue to
35 audit them. The division of parks and recreation of the [department of natural resources]
36 **division of tourism within the department of economic development** and the state director
37 of revenue shall audit the receipts and disbursement of each contract once every two years and
38 upon the expiration of the contract. For the purpose of subsection 5 of this section and this
39 subsection, no contract shall be deemed to extend to operations or management in more than one
40 state park.

253.082. 1. Upon a request from the director of the [department of natural resources]
2 **division of tourism within the department of economic development**, the commissioner of

3 administration shall draw a warrant payable to the facility head of each of the state parks and
4 historic sites in an amount to be specified by the director of the [department of natural resources]
5 **division of tourism within the department of economic development**, but such amount shall
6 not exceed the sum of one thousand five hundred dollars for each such facility. The sum so
7 specified shall be placed in the hands of the facility head as a revolving fund to be used in the
8 payment of the incidental expenses of the facility for which he has been appointed and for the
9 refund of fees paid by the public. All expenditures shall be made in accordance with rules and
10 regulations established by the commissioner of administration.

11 2. Upon a request from the director of the [department of natural resources] **division of**
12 **tourism within the department of economic development**, the commissioner of administration
13 shall draw a warrant payable to the director of the division of state parks in an amount to be
14 specified by the director of the [department of natural resources] **division of tourism within the**
15 **department of economic development**, but such amount shall not exceed the sum of five
16 hundred dollars. The sum so specified shall be placed in the hands of the director of state parks
17 as a revolving fund to be used in the cash transactions involving the sale of items made by the
18 division of state parks. All transactions shall be made in accordance with rules and regulations
19 established by the commissioner of administration.

253.090. 1. All revenue derived from privileges, conveniences, contracts or otherwise,
2 all moneys received by gifts, bequests or contributions or from county or municipal sources and
3 all moneys received from the operation of concessions, projects or facilities and from resale
4 items shall be paid into the state treasury to the credit of the "State Park Earnings Fund", which
5 is hereby created. In the event any state park or any part thereof is taken under the power of
6 eminent domain by the federal government the moneys paid for the taking shall be deposited in
7 the state park earnings fund. The fund shall be used solely for the payment of the expenditures
8 of the [department of natural resources] **division of tourism within the department of**
9 **economic development** in the administration of this law, except that in any fiscal year the
10 department may expend a sum not to exceed fifty percent of the preceding fiscal year's deposits
11 to the state park earnings fund for the purpose of:

- 12 (1) Paying the principal and interest of revenue bonds issued;
13 (2) Providing an interest and sinking fund;
14 (3) Providing a reasonable reserve fund;
15 (4) Providing a reasonable fund for depreciation; and
16 (5) Paying for feasibility reports necessary for the issuing of revenue bonds.

17 2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys
18 remaining in the fund at the end of the biennium shall not revert to the credit of the general
19 revenue fund.

20 3. A good and sufficient bond conditioned upon the faithful performance of the contract
21 and compliance with this law shall be required of all contractors.

22 4. Any person who contracts pursuant to this section with the state shall keep true and
23 accurate records of his or her receipts and disbursements arising out of the performance of the
24 contract and shall permit the [department of natural resources] **division of tourism within the**
25 **department of economic development** and the state auditor to audit such records.

26 5. **Notwithstanding any provision of law to the contrary, the expenses of**
27 **administering the state park earnings fund or any other fund associated with the division**
28 **of state parks shall not exceed five percent of the previous year's revenue deposited into**
29 **the fund.**

 253.095. In order to further the interpretive or educational functions of Missouri state
2 parks, the director of the Missouri [department of natural resources] **division of tourism within**
3 **the department of economic development** is authorized to enter into agreements with private,
4 not-for-profit organizations that are organized to provide cooperative, interpretive, facility
5 enhancement or educational services to any Missouri state park. The director may provide state
6 park facility space and incidental staff support to such an organization under a cooperative
7 agreement, which reimburses the department for the actual costs of such space and incidental
8 staff support and clearly demonstrates the fiscal, interpretive, educational, and facility
9 enhancement benefits to the state. Net proceeds received from the sale of publications or other
10 materials and services provided by an organization pursuant to such an agreement entered into
11 under this section shall be retained by the organization for use in the interpretive or educational
12 services provided in state parks.

 253.100. No timber in any state park shall be cut and removed from such state park, sold,
2 or converted into lumber or building material, except upon the express order of the [department
3 of natural resources] **division of tourism within the department of economic development,**
4 duly entered upon the minutes of the [department of natural resources] **division of tourism**
5 **within the department of economic development.**

 253.110. All parts of the following described land situated in Lafayette County, of
2 Missouri, selected and dedicated by the board of trustees of the Confederate Soldiers' Home
3 under an act of the general assembly appearing at Laws 1925, page 136, approved May 2, 1925,
4 to wit: Beginning 2.00 chains east of the S.W. corner of the east 1/2 of S.W. 1/4 of Sec. 25 T50
5 R26; thence north 47 degrees east 20.00 chains to a stake; thence north 35 1/2 degrees west 3.97
6 chains to a stake; thence north 50 1/2 degrees east 4.84 chains to a post; thence north 39 1/2
7 degrees west 1.54 chains to a stake; thence north 50 1/2 degrees east 3.84 chains to an iron post;
8 thence north 35 degrees west 2.15 chains to the south line of the public road; thence north 54 1/2
9 degrees east along the south line of said road 15.03 chains to a concrete post on the west line of

10 the public road, running south 34 degrees east; thence south 34 degrees east along the west line
11 of said road 41.03 chains to the south line of Confederate home land; thence west on said last
12 named line 52.85 chains to the beginning, are set apart as a permanent memorial park to the valor
13 of the soldiers who served the Confederacy in the War between the States. The land is under the
14 control, maintenance and administration of the [department of natural resources] **division of**
15 **tourism within the department of economic development** and is designated "The Confederate
16 Memorial Park".

253.120. The endowment fund authorized by section 2, Laws of Missouri 1925, page
2 136, shall be maintained by the [department of natural resources] **division of tourism within the**
3 **department of economic development** as a permanent endowment for the maintenance of the
4 Confederate Memorial Park. The [department of natural resources] **division of tourism within**
5 **the department of economic development** may accept gifts, donations, or bequests for the
6 maintenance of the memorial park and for the endowment fund until the fund reaches the sum
7 of seventy-five thousand dollars. The [department of natural resources] **division of tourism**
8 **within the department of economic development** may sell, convey or otherwise convert into
9 money any property received and shall invest all moneys of the endowment fund and use the
10 income therefrom for the maintenance of the park, but the principal shall remain intact as a
11 permanent endowment fund.

253.130. The portrait of Mark Twain, and the case in which the portrait is now enclosed
2 and located in the north inner corridor of the third, or legislative, floor of the state capitol, is
3 ordered transferred and installed in the Mark Twain shrine in Mark Twain State Park, wherein
4 the portrait shall be located in perpetuity in the custody and under the protection of the
5 [department of natural resources] **division of tourism within the department of economic**
6 **development**.

253.150. As used in sections 253.150 to 253.170 the following terms shall have, unless
2 the context clearly indicates otherwise, the following meanings:

3 (1) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,
4 except farm tractors;

5 (2) "Park thoroughfares", any state park road, intended for use by the general public and
6 designated as such by the [department of natural resources] **division of tourism within the**
7 **department of economic development**.

253.155. No motor vehicle shall be operated within the boundaries of any state park
2 except upon park thoroughfares or in areas especially designated by the [department of natural
3 resources] **division of tourism within the department of economic development**. This section
4 shall not apply to authorized park maintenance or emergency vehicles.

253.185. Domestic household animals shall not be allowed in any state park unless
2 restrained by a leash not longer than ten feet held by some person or firmly affixed to some
3 stationary object so as to prevent the animal from ranging at large. No domestic household or
4 other animal shall be allowed inside any state park building under the control of either the
5 [department of natural resources] **division of tourism within the department of economic**
6 **development** or a concessionaire licensed by the department of natural resources unless
7 permission is granted by the [department of natural resources] **division of tourism within the**
8 **department of economic development**.

253.195. Fireworks, as defined in section 320.110, of any type are prohibited within the
2 boundaries of any state park except upon the written permission granted by the [department of
3 natural resources] **division of tourism within the department of economic development**.

253.200. No person shall pursue, catch, kill or take any wildlife, as defined in section
2 252.020, in any manner, or in any quantity or at any time or place within the boundaries of any
3 state park, except by written provisions issued by the [department of natural resources] **division**
4 **of tourism within the department of economic development** and in conformity with the
5 published rules and regulations of the Missouri department of conservation.

253.210. As used in sections 253.210 to 253.280, unless the context clearly requires
2 otherwise:

3 (1) "Net income and revenues" means the income arising from the operation of a project
4 remaining after providing for the costs of operation of the project and the cost of maintaining it;

5 (2) "Project" means one or more hotels, inns, lodges, tourist cabins, or dining rooms or
6 any combination of hotel, inn, lodge, and dining room facilities or one or more recreational
7 buildings, historic sites or combination of hotel, inn, lodge, tourist cabins, dining rooms and
8 recreational facilities or historic sites; provided, a given project shall be limited to a single park;

9 (3) "Revenue bonds" means bonds issued hereunder for the purposes authorized and
10 payable, both as to principal and interest, (a) solely out of the net income and revenues arising
11 from the operation of the project for which the bonds are issued, (b) the moneys authorized for
12 expenditure by the [department of natural resources] **division of tourism within the**
13 **department of economic development** in section 253.090 by the allocation of a sum not to
14 exceed fifty percent of the preceding fiscal year's deposits in the state park earnings fund, (c) any
15 revenues of the park in which the project is located, (d) the proceeds of any grant in aid of the
16 project which may be received from any source, or (e) out of any other income or revenue
17 pledged to the payment of the bonds in accordance with the provisions of section 253.230.

253.220. 1. The [department of natural resources] **division of tourism within the**
2 **department of economic development** is authorized to acquire, construct, erect, equip, furnish,
3 operate, control, manage and regulate a project as in the judgment of the [department of natural

4 resources] **division of tourism within the department of economic development** may be
5 necessary, advisable and suitable for the use and improvement of the state's parks and their
6 facilities.

7 2. The [department of natural resources] **division of tourism within the department**
8 **of economic development** has the power to use real property, now or hereafter belonging to the
9 state for park purposes, as a site for a project or to acquire by purchase, lease, gift or otherwise
10 such real or personal property as in the judgment of the [department of natural resources]
11 **division of tourism within the department of economic development** shall be necessary,
12 advisable and suitable for the project, except that real property acquired as a site for a project
13 shall be contiguous to and become a part of a state park.

253.230. 1. For the purpose of providing funds for the acquisition, construction,
2 erection, equipment, and furnishing a project and providing a site therefor, as herein provided,
3 the [department of natural resources] **division of tourism within the department of economic**
4 **development** has the power to issue and sell to the extent of the appropriations made therefor
5 revenue bonds in an amount not to exceed the estimated cost of the project including costs
6 necessarily incidental thereto.

7 2. No revenue bonds shall be issued and sold unless, at the time of issuance, the
8 [department of natural resources] **division of tourism within the department of economic**
9 **development** shall first obtain the approval of the governor and general assembly and

10 (1) Pledge the net income and revenues of the project to the payment of the bonds, both
11 principal and interest, and, in the discretion of the [department of natural resources] **division of**
12 **tourism within the department of economic development**, any one or more of the following:

13 (a) The proceeds of any grant in aid of the project which may be received from any
14 source;

15 (b) The net income and revenues arising from the operation of the park in which the
16 project is located;

17 (c) The net income and revenues arising from the operation of one or more other
18 projects, as herein defined, owned and operated by the [department of natural resources] **division**
19 **of tourism within the department of economic development**; or

20 (d) The net income and revenues received from contracts entered into for the
21 management of any state park or for the exercise of any concession, privilege, facility or
22 convenience within any state park;

23 (2) Covenant to fix, maintain and collect such reasonable rates and charges for the use
24 of the projects as in the judgment of the department will provide revenues sufficient to pay the
25 reasonable cost of operating and maintaining the project;

26 (3) Provide and maintain an interest and sinking fund in an amount adequate promptly
27 to pay the principal of and interest on the bonds;

28 (4) Provide a reasonable reserve fund;

29 (5) Provide a reasonable fund for depreciation.

30 3. The [department of natural resources] **division of tourism within the department**
31 **of economic development** is authorized in its discretion to use any unencumbered available
32 funds on hand received from the net income and revenues arising from the operation of any
33 project, as herein defined, owned and operated by the [department of natural resources] **division**
34 **of tourism within the department of economic development**, or received from contracts
35 entered into for the management of any state park or for the exercise of any concession, privilege,
36 facility or convenience within the state park, not to exceed fifty percent of the preceding fiscal
37 year's deposits to the [department of natural resources] **division of tourism** earnings fund, to pay
38 the principal of or the interest on any revenue bonds issued by the [department of natural
39 resources] **division of tourism within the department of economic development** for the
40 purpose of providing funds for the acquisition, construction, erection, equipment and furnishing
41 a project and providing a site therefor, or to establish any interest and sinking fund or reserve
42 fund for the benefit of any such revenue bonds.

43 4. No revenue bonds shall be issued and sold if private facilities are adequate in the
44 given park area.

45 5. The proceeds of the sale of any bonds issued hereunder shall be paid into the state
46 treasury to the credit of a fund to be known as the "[Department of Natural Resources] **Division**
47 **of Tourism** Building Fund" which is hereby created.

253.240. The revenue bonds may be issued pursuant to a resolution adopted by the
2 affirmative vote of two-thirds of the members of the [department of natural resources] **division**
3 **of tourism within the department of economic development** after proper authorization has
4 been made by the general assembly through an appropriation authorizing expenditures out of the
5 proceeds of the sale of the bonds which appropriation shall be chargeable to the [department of
6 natural resources] **division of tourism** building fund.

253.250. Bonds issued pursuant to sections 253.210 to 253.280 are not an indebtedness
2 of the state of Missouri, or of the [department of natural resources] **division of tourism within**
3 **the department of economic development** or of the individual members of the [department of
4 natural resources] **division of tourism within the department of economic development** and
5 are not an indebtedness within the meaning of any constitutional or statutory limitation on the
6 incurring of indebtedness. Such bonds shall bear on the face thereof the following: "This is a
7 revenue bond and not a general obligation bond."

253.260. 1. Bonds issued pursuant to sections 253.210 to 253.280 shall be of such
2 denomination, shall bear such rate of interest, not to exceed fourteen percent per annum, and
3 shall mature at such time, within forty years from the date of issuance, as the [department of
4 natural resources] **division of tourism within the department of economic development** may
5 determine. The bonds may be either serial or term bonds.

6 2. Serial bonds may be issued with or without the reservation of the right to call them
7 for payment and redemption in advance of their maturity, upon giving such notice, and with or
8 without a covenant requiring the payment of a premium in the event of payment and redemption
9 prior to maturity as the [department of natural resources] **division of tourism within the**
10 **department of economic development** may determine.

11 3. Term bonds shall contain a reservation of the right to call them for payment and
12 redemption prior to maturity at such time and upon the giving of such notice and upon the
13 payment of such premium, if any, as the [department of natural resources] **division of tourism**
14 **within the department of economic development** may determine.

15 4. The bonds, when issued, shall be sold at public sale for the best price obtainable after
16 giving such reasonable notice of the sale as the [department of natural resources] **division of**
17 **tourism within the department of economic development** may determine except that no bonds
18 shall be sold for less than ninety-five percent of their par value, and accrued interest.

19 5. The bonds may be sold to the United States of America or to any of its agencies or
20 instrumentalities, at a price not less than par and accrued interest, without public sale and without
21 the giving of the notice prescribed in this section.

22 6. The bonds, when issued and sold, shall be negotiable instruments within the meaning
23 of the law merchant and the negotiable instruments law, and the interest thereon shall be exempt
24 from income taxes under the laws of this state.

253.270. 1. The [department of natural resources] **division of tourism within the**
2 **department of economic development** is authorized to prescribe when not inconsistent with
3 the provisions of sections 253.210 to 253.280 the form, details and incidents of the bonds and
4 to make such covenants as in its judgment may be advisable or necessary properly to secure the
5 payment of the bonds.

6 2. The holder of any bond issued hereunder or of any coupons representing interest
7 accrued may, by proper civil action either at law or in equity, compel the [department of natural
8 resources] **division of tourism within the department of economic development** to perform
9 all duties imposed upon it by sections 253.210 to 253.280, including the making and collecting
10 of sufficient rates and charges for the use of the project for which the bonds were issued and may
11 enforce the performance of any covenant made by the board in the issuance of the bonds.

253.280. 1. The revenue bonds issued pursuant to sections 253.210 to 253.280 may be refunded, in whole or in part, under any of the following circumstances:

(1) When any of the bonds have by their terms become due and payable and there are not sufficient funds in the interest and sinking fund to pay the bonds and the interest thereon;

(2) When any of the bonds are by their terms callable for payment and redemption in advance of the date of their maturity and shall have been duly called for payment and redemption;

(3) When any of the bonds are by their terms callable for payment and redemption in advance of the date of maturity and the refunding bonds are sold more than one year prior to the maturity or redemption date of the bonds being refunded, and the proceeds derived from the sale of the refunding bonds shall be deposited in escrow with the state treasurer or a bank or trust company located in the state of Missouri having full trust powers, and such proceeds shall be invested promptly in direct obligations of the United States of America or of its agencies or instrumentalities, or in obligations, the principal of, and interest on, which are guaranteed by the United States of America, which, together with the interest to be earned on such obligations, will be sufficient for the payment of the principal of such bonds, the redemption premium thereon, if any, and interest accrued to the date of maturity or redemption. Any moneys and obligations which at any time shall be deposited with the state treasurer or with such bank or trust company for the purpose of paying and discharging any of the bonds shall be assigned, for the respective holders of the bonds, and such moneys shall be irrevocably appropriated to the payment and discharge thereof;

(4) When any of the bonds are voluntarily surrendered by the holders for exchange for refunding bonds.

2. For the purpose of refunding any bonds issued, including refunding bonds, the [department of natural resources] **division of tourism within the department of economic development** may make and issue refunding bonds in such amount as may be necessary to pay off and redeem the bonds to be refunded together with unpaid and past due interest thereon and any premium which may be due under the terms of the bonds, together also with the cost of issuing the refunding bonds.

3. The refunding bonds shall be sold in the same manner as provided in sections 253.210 to 253.280 for the sale of revenue bonds.

4. The proceeds of the refunding bonds shall be used to pay off, redeem and cancel such old bonds and interest and the premium, if any due thereon or the refunding bonds may be issued and delivered in exchange for a like par value amount of the bonds for which the refunding bonds were issued, except that no refunding bonds issued pursuant to sections 253.210 to

36 253.280 shall be payable in more than twenty years from the date of issue or shall bear interest
37 at a rate in excess of fourteen percent per annum.

38 5. The refunding bonds may be payable from the same sources as were pledged to the
39 payment of the bonds refunded and, in the discretion of the [department of natural resources]
40 **division of tourism within the department of economic development**, may be payable from
41 any other source which under sections 253.210 to 253.280 may be pledged to the payment of
42 revenue bonds.

253.290. The director of the [department of natural resources] **division of tourism**
2 **within the department of economic development** may grant leases for the development,
3 construction, maintenance and operation of resort and related facilities on federal reservoir lands
4 purchased, leased, or licensed by the state from the federal government for a period of not to
5 exceed fifty years. The consideration for the lease shall be based upon a specified annual rental
6 for each acre plus a percentage of the gross business done on the land.

253.300. All leases granted under sections 253.290 to 253.320 shall be entered into only
2 upon the basis of competitive sealed bids. A sworn financial statement shall accompany each
3 bid, and all contracts shall be let by the director of the [department of natural resources] **division**
4 **of tourism within the department of economic development** at a regular meeting after public
5 notice of the time of such letting. All bids submitted prior to the opening of the meeting shall
6 be considered. Such advertisements for bids shall be made in daily or weekly newspapers of
7 general circulation for three consecutive weeks as necessary to give notice by the director. The
8 director shall accept the bid most favorable to the state from a responsible and reputable person
9 but may, for good cause, reject any bid.

253.320. Any lease granted under the provisions of sections 253.290 to 253.320 shall
2 be conditioned as follows and also contain such provisions as the attorney general may prescribe:

3 (1) The director of the [department of natural resources] **division of tourism within the**
4 **department of economic development** shall retain the right to enter upon the lands at all times;

5 (2) The director shall control the style of architecture used in construction on the lands,
6 and the quality of materials used in said construction shall be approved by the director of the
7 division of design and construction for the state of Missouri, and may control all fees and prices
8 charged to the public as may be required by the director;

9 (3) The director shall inspect and audit the books and records of the lessee at least once
10 every two years;

11 (4) The lessee shall provide such care, maintenance, repair, conservation and
12 improvement of the lands and shall render such services to the public as may be required by the
13 director;

14 (5) The lessee shall keep true and accurate records of his receipts and disbursements
15 arising out of the operation of facilities upon the leased lands and shall permit the director to
16 inspect and audit them at all reasonable times;

17 (6) Nothing in sections 253.290 to 253.320 shall be construed as denying the lessees the
18 right to execute mortgages and other evidences of interest in or indebtedness upon their leasehold
19 interest or properties thereon for the purpose of installing, enlarging or improving plant and
20 equipment and extending facilities for the accommodation of the public within said state park;
21 provided, however, that no such mortgage or other encumbrance shall be valid unless authorized
22 and approved by the written order of the director; and further provided that the period for
23 payment of such mortgage or indebtedness shall not extend beyond the lease period, and that no
24 obligation or indebtedness shall incur to the state.

253.350. 1. All personal and real property bequeathed or devised to the state of Missouri
2 for the benefit of the Doctor Edmund A. Babler Memorial State Park under the will of Jacob L.
3 Babler and all other personal and real property acquired through any grant, gift, donation, devise,
4 or bequest to or for the use of the state of Missouri for such purpose shall be a permanent
5 endowment fund to be used solely for the maintenance, beautification and further development
6 or enlargement of the Doctor Edmund A. Babler Memorial State Park in St. Louis County as
7 provided in section 253.350.

8 2. All real property and interests in land acquired as provided in this section shall be
9 taken in the name of the Missouri [department of natural resources] **division of tourism within**
10 **the department of economic development**. The [department of natural resources] **division of**
11 **tourism within the department of economic development** shall have the power to convey such
12 lands or interests therein and the proceeds of such sale shall be deposited to the credit of the fund
13 established in section 253.360.

253.360. 1. There is hereby created the "Doctor Edmund A. Babler Memorial State Park
2 Fund". All money, funds, and securities acquired as provided in section 253.350 shall be
3 deposited with the state treasurer to the credit of the fund. All income, interest, rights or rent
4 earned through the operation of the fund shall also be credited to the fund.

5 2. The state treasurer shall be the custodian of all money, bonds, securities or interests
6 and rights therein deposited in the state treasury to the credit of the Doctor Edmund A. Babler
7 Memorial State Park fund and he and his sureties are responsible on his official bond for the
8 faithful performance of his duties in the safekeeping of all money or property of the fund as
9 provided in this section and section 253.350 and for the disbursement of such money or property
10 upon warrants drawn by the Missouri [department of natural resources] **division of tourism**
11 **within the department of economic development**.

12 3. The Missouri [department of natural resources] **division of tourism within the**
13 **department of economic development** is authorized to use the income of the fund created by
14 this section for the purposes for which the fund is dedicated and, in addition, may expend
15 annually an amount equal to seven and one-half percent of the corpus of the fund for the same
16 purposes. Such amounts shall be subject to appropriation by the general assembly.

17 4. So far as practicable, the money, bonds, and other securities of the fund shall be kept
18 safely invested so as to earn a reasonable return. The Missouri [department of natural resources]
19 **division of tourism within the department of economic development** shall select such
20 investments as are permitted by the laws of Missouri relating to the investment of the capital,
21 reserve and surplus funds of life insurance companies or casualty insurance companies organized
22 under the laws of Missouri, and the state treasurer shall make such investments or reinvestments
23 as directed by the department. The department may retain the services of and pay a reasonable
24 fee to a professional investment counselor or a trust company to advise it in the selection of such
25 investments.

 253.370. 1. Pursuant to the provisions of section 48 of article III of the Constitution of
2 the State of Missouri, the [department of natural resources] **division of tourism within the**
3 **department of economic development** is hereby authorized to acquire by purchase, from funds
4 appropriated or otherwise available to that department, the Thomas Hart Benton homestead
5 located at 3616 Belleview, Kansas City, Missouri, for the establishment of a suitable state
6 memorial to Thomas Hart Benton to be operated and maintained by the division of state parks
7 and recreation of that department.

8 2. In acquiring this homestead, which may include both real and personal property, the
9 department may grant a life estate or similar interest therein to Mrs. Benton, but it shall make
10 adequate provisions for the proper care, maintenance and safekeeping of the property to the end
11 that the homestead will truly become a living memorial to this native Missourian as it is used and
12 enjoyed by all the citizens of this state.

13 3. The attorney general shall approve the form of the instrument of conveyance.

 253.530. The state treasurer shall be the custodian of all moneys, bonds, securities or
2 interests and rights therein deposited in the state treasury to the credit of this fund. All such
3 moneys, bonds, securities or interests and rights therein shall be invested by the state treasurer
4 in the same manner as other state funds are invested. He and his sureties are responsible on his
5 official bond for the faithful performance of his duties in the safekeeping of all money or
6 property of the fund as provided in sections 253.510 and 253.520 for the disbursement of such
7 money or the proceeds from such property by the Missouri [department of natural resources]
8 **division of tourism within the department of economic development.**

253.540. The Missouri [department of natural resources] **division of tourism within the**
2 **department of economic development** is authorized to use the income of the fund created by
3 section 253.520 for the purposes for which the fund is dedicated and, in addition, may expend
4 annually an amount equal to seven and one-half percent of the corpus of the fund for the same
5 purposes. Such amounts shall be subject to appropriation by the general assembly. If the corpus
6 is reduced to a total of ten thousand dollars or less, then the entire amount may be appropriated
7 for such purposes.

258.083. The general assembly may appropriate funds to the [department of natural
2 resources] **division of tourism within the department of economic development** for the
3 purpose of making grants to local parks and related institutions, and the department shall
4 administer and expend such funds in accordance with the terms of the appropriation.

261.023. 1. There is hereby created a department of agriculture to be headed by a
2 director of the department of agriculture to be appointed by the governor, by and with the advice
3 and consent of the senate. The director shall possess the qualifications presently provided by law
4 for the position of commissioner of agriculture.

5 2. All powers, duties and functions now vested by law to the commissioner of the
6 department of agriculture and the department of agriculture, chapter 261 and others, are
7 transferred by type I transfer to the director of the department of agriculture and to the
8 department of agriculture herein created.

9 3. The state horticultural society created by sections 262.010 and 262.020 is transferred
10 by type I transfer to the department of agriculture.

11 4. All the powers, duties, and functions vested in the state milk board, chapter 196, are
12 transferred to the department of agriculture by type III transfer. The appointed members of the
13 board shall be nominated by the department director, and appointed by the governor with the
14 advice and consent of the senate. The department of health and senior services shall retain the
15 powers, duties and functions assigned by chapter 196.

16 5. All the powers, duties, functions and properties of the state fruit experiment station,
17 chapter 262, are transferred by type I transfer to the Southwest Missouri State University and
18 fruit experiment station board of trustees is abolished.

19 6. All the powers, duties and functions of the department of revenue relating to the
20 inspection of motor fuel and special fuel distributors, chapters 323 and 414, are transferred by
21 type I transfer to the department of agriculture and to the director of that department. The
22 collection of the taxes provided in chapters 142 and 136, however, shall be made by the
23 department of revenue.

24 7. **All the powers, duties and functions of the state soil and water districts**
25 **commission, chapter 278, are transferred by type I transfer to the department of**

26 **agriculture. Notwithstanding any provision of law to the contrary, the expenses of**
27 **administering any fund associated with the soil and water districts commission shall not**
28 **exceed five percent of the previous year's revenue deposited into the fund.**

304.013. 1. No person shall operate an all-terrain vehicle, as defined in section 301.010,
2 upon the highways of this state, except as follows:

3 (1) All-terrain vehicles owned and operated by a governmental entity for official use;

4 (2) All-terrain vehicles operated for agricultural purposes or industrial on-premises
5 purposes between the official sunrise and sunset on the day of operation;

6 (3) All-terrain vehicles operated by handicapped persons for short distances occasionally
7 only on the state's secondary roads when operated between the hours of sunrise and sunset;

8 (4) Governing bodies of cities may issue special permits to licensed drivers for special
9 uses of all-terrain vehicles on highways within the city limits. Fees of fifteen dollars may be
10 collected and retained by cities for such permits;

11 (5) Governing bodies of counties may issue special permits to licensed drivers for special
12 uses of all-terrain vehicles on county roads within the county. Fees of fifteen dollars may be
13 collected and retained by the counties for such permits.

14 2. No person shall operate an off-road vehicle within any stream or river in this state,
15 except that off-road vehicles may be operated within waterways which flow within the
16 boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within
17 the boundaries of land which an off-road vehicle operator owns or has permission to be upon,
18 or for the purpose of fording such stream or river of this state at such road crossings as are
19 customary or part of the highway system. All law enforcement officials or peace officers of this
20 state and its political subdivisions or department of conservation agents or [department of natural
21 resources] park rangers shall enforce the provisions of this subsection within the geographic area
22 of their jurisdiction.

23 3. A person operating an all-terrain vehicle on a highway pursuant to an exception
24 covered in this section shall have a valid operator's or chauffeur's license, except that a
25 handicapped person operating such vehicle pursuant to subdivision (3) of subsection 1 of this
26 section, but shall not be required to have passed an examination for the operation of a
27 motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour. When
28 operated on a highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not
29 less than seven feet above the ground, attached to the rear of the vehicle. The bicycle safety flag
30 shall be triangular in shape with an area of not less than thirty square inches and shall be
31 day-glow in color.

32 4. No persons shall operate an all-terrain vehicle:

33 (1) In any careless way so as to endanger the person or property of another;

- 34 (2) While under the influence of alcohol or any controlled substance;
- 35 (3) Without a securely fastened safety helmet on the head of an individual who operates
36 an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle,
37 unless the individual is at least eighteen years of age.
- 38 5. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural
39 purposes. The provisions of this subsection shall not apply to any all-terrain vehicle in which
40 the seat of such vehicle is designed to carry more than one person.
- 41 6. A violation of this section shall be a class C misdemeanor. In addition to other legal
42 remedies, the attorney general or county prosecuting attorney may institute a civil action in a
43 court of competent jurisdiction for injunctive relief to prevent such violation or future violations
44 and for the assessment of a civil penalty not to exceed one thousand dollars per day of violation.
- 304.032. 1. No person shall operate a utility vehicle, as defined in section 301.010, upon
2 the highways of this state, except as follows:
- 3 (1) Utility vehicles owned and operated by a governmental entity for official use;
- 4 (2) Utility vehicles operated for agricultural purposes or industrial on-premises purposes
5 between the official sunrise and sunset on the day of operation, unless equipped with proper
6 lighting;
- 7 (3) Utility vehicles operated by handicapped persons for short distances occasionally
8 only on the state's secondary roads when operated between the hours of sunrise and sunset;
- 9 (4) Governing bodies of cities may issue special permits for utility vehicles to be used
10 on highways within the city limits by licensed drivers. Fees of fifteen dollars may be collected
11 and retained by cities for such permits;
- 12 (5) Governing bodies of counties may issue special permits for utility vehicles to be used
13 on county roads within the county by licensed drivers. Fees of fifteen dollars may be collected
14 and retained by the counties for such permits.
- 15 2. No person shall operate a utility vehicle within any stream or river in this state, except
16 that utility vehicles may be operated within waterways which flow within the boundaries of land
17 which a utility vehicle operator owns, or for agricultural purposes within the boundaries of land
18 which a utility vehicle operator owns or has permission to be upon, or for the purpose of fording
19 such stream or river of this state at such road crossings as are customary or part of the highway
20 system. All law enforcement officials or peace officers of this state and its political subdivisions
21 or department of conservation agents or [department of natural resources] park rangers shall
22 enforce the provisions of this subsection within the geographic area of their jurisdiction.
- 23 3. A person operating a utility vehicle on a highway pursuant to an exception covered
24 in this section shall have a valid operator's or chauffeur's license, except that a handicapped
25 person operating such vehicle under subdivision (3) of subsection 1 of this section, but shall not

26 be required to have passed an examination for the operation of a motorcycle, and the vehicle
27 shall be operated at speeds of less than forty-five miles per hour.

28 4. No persons shall operate a utility vehicle:

29 (1) In any careless way so as to endanger the person or property of another; or

30 (2) While under the influence of alcohol or any controlled substance.

31 5. No operator of a utility vehicle shall carry a passenger, except for agricultural
32 purposes. The provisions of this subsection shall not apply to any utility vehicle in which the
33 seat of such vehicle is designed to carry more than one person.

34 6. A violation of this section shall be a class C misdemeanor. In addition to other legal
35 remedies, the attorney general or county prosecuting attorney may institute a civil action in a
36 court of competent jurisdiction for injunctive relief to prevent such violation or future violations
37 and for the assessment of a civil penalty not to exceed one thousand dollars per day of violation.

304.033. 1. No person shall operate a recreational off-highway vehicle, as defined in
2 section 301.010, upon the highways of this state, except as follows:

3 (1) Recreational off-highway vehicles owned and operated by a governmental entity for
4 official use;

5 (2) Recreational off-highway vehicles operated for agricultural purposes or industrial
6 on-premises purposes;

7 (3) Recreational off-highway vehicles operated within three miles of the operator's
8 primary residence. The provisions of this subdivision shall not authorize the operation of a
9 recreational off-highway vehicle in a municipality unless such operation is authorized by such
10 municipality as provided for in subdivision (5) of this subsection;

11 (4) Recreational off-highway vehicles operated by handicapped persons for short
12 distances occasionally only on the state's secondary roads;

13 (5) Governing bodies of cities may issue special permits to licensed drivers for special
14 uses of recreational off-highway vehicles on highways within the city limits. Fees of fifteen
15 dollars may be collected and retained by cities for such permits;

16 (6) Governing bodies of counties may issue special permits to licensed drivers for special
17 uses of recreational off-highway vehicles on county roads within the county. Fees of fifteen
18 dollars may be collected and retained by the counties for such permits.

19 2. No person shall operate a recreational off-highway vehicle within any stream or river
20 in this state, except that recreational off-highway vehicles may be operated within waterways
21 which flow within the boundaries of land which a recreational off-highway vehicle operator
22 owns, or for agricultural purposes within the boundaries of land which a recreational off-highway
23 vehicle operator owns or has permission to be upon, or for the purpose of fording such stream
24 or river of this state at such road crossings as are customary or part of the highway system. All

25 law enforcement officials or peace officers of this state and its political subdivisions or
26 department of conservation agents or [department of natural resources] park rangers shall enforce
27 the provisions of this subsection within the geographic area of their jurisdiction.

28 3. A person operating a recreational off-highway vehicle on a highway pursuant to an
29 exception covered in this section shall have a valid operator's or chauffeur's license, except that
30 a handicapped person operating such vehicle pursuant to subdivision (4) of subsection 1 of this
31 section, but shall not be required to have passed an examination for the operation of a
32 motorcycle. An individual shall not operate a recreational off-highway vehicle upon a highway
33 in this state without displaying a lighted headlamp and a lighted tail lamp. A person may not
34 operate a recreational off-highway vehicle upon a highway of this state unless such person wears
35 a seat belt. When operated on a highway, a recreational off-highway vehicle shall be equipped
36 with a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle
37 in case of the vehicle's rollover.

577.073. 1. It is unlawful for any person to throw waste paper, tin cans, bottles, rubbish
2 of any kind, or contaminate in any manner, any spring, pool or stream within a state park, nor
3 shall any person other than authorized personnel of the [department of natural resources]
4 **division of tourism within the department of economic development** cut, prune, pick or
5 deface or injure in any manner the flowers, trees, shrub or any other flora growing on the land
6 or in the water of any state park.

7 2. No person shall be permitted to offer or advertise merchandise or other goods for sale
8 or hire, or to maintain any concession, or use any park facilities, buildings, trails, roads or other
9 state park property for commercial use except by written permission or concession contract with
10 the [department of natural resources] **division of tourism within the department of economic**
11 **development**; except that, the provisions of this subsection shall not apply to the normal and
12 customary use of public roads by commercial and noncommercial organizations for the purpose
13 of transporting persons or vehicles, including, but not limited to, canoes.

14 3. No object of archaeological or historical value or interest within a state park may be
15 removed, injured, disfigured, defaced or destroyed except by authorized personnel.

16 4. Any person violating any of the provisions of this section shall be deemed guilty of
17 a misdemeanor.

620.010. 1. There is hereby created a "Department of Economic Development" to be
2 headed by a director appointed by the governor, by and with the advice and consent of the senate.
3 All of the general provisions, definitions and powers enumerated in section 1 of the Omnibus
4 State Reorganization Act of 1974 shall continue to apply to this department and its divisions,
5 agencies and personnel.

6 2. The powers, duties and functions vested in the public service commission, chapters
7 386, 387, 388, 389, 390, 392, 393, and others, and the administrative hearing commission,
8 sections 621.015 to 621.198 and others, are transferred by type III transfers to the department of
9 economic development. The director of the department is directed to provide and coordinate
10 staff and equipment services to these agencies in the interest of facilitating the work of the bodies
11 and achieving optimum efficiency in staff services common to all the bodies. Nothing in the
12 Reorganization Act of 1974 shall prevent the chairman of the public service commission from
13 presenting additional budget requests or from explaining or clarifying its budget requests to the
14 governor or general assembly.

15 3. The powers, duties and functions vested in the office of the public counsel are
16 transferred by type III transfer to the department of economic development. Funding for the
17 general counsel's office shall be by general revenue.

18 4. The public service commission is authorized to employ such staff as it deems
19 necessary for the functions performed by the general counsel other than those powers, duties and
20 functions relating to representation of the public before the public service commission.

21 5. All the powers, duties and functions vested in the tourism commission, chapter 258
22 and others, are transferred to the "Division of Tourism", which is hereby created, by type III
23 transfer.

24 6. **All the powers, duties and functions of the division of state parks of the**
25 **department of natural resources are transferred to the division of tourism within the**
26 **department of economic development by type I transfer.**

27 7. All the powers, duties and functions of the department of community affairs, chapter
28 251 and others, not otherwise assigned, are transferred by type I transfer to the department of
29 economic development, and the department of community affairs is abolished. The director of
30 the department of economic development may assume all the duties of the director of community
31 affairs or may establish within the department such subunits and advisory committees as may be
32 required to administer the programs so transferred. The director of the department shall appoint
33 all members of such committees and heads of subunits.

34 [7.] 8. The state council on the arts, chapter 185 and others, is transferred by type II
35 transfer to the department of economic development, and the members of the council shall be
36 appointed by the director of the department.

37 [8.] 9. The Missouri housing development commission, chapter 215, is assigned to the
38 department of economic development, but shall remain a governmental instrumentality of the
39 state of Missouri and shall constitute a body corporate and politic.

40 [9.] 10. All the authority, powers, duties, functions, records, personnel, property, matters
41 pending and other pertinent vestiges of the division of manpower planning of the department of

42 social services are transferred by a type I transfer to the "Division of Job Development and
43 Training", which is hereby created, within the department of economic development. The
44 division of manpower planning within the department of social services is abolished. The
45 provisions of section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, relating
46 to the manner and procedures for transfers of state agencies shall apply to the transfers provided
47 in this section.

48 [10.] 11. Any rule or portion of a rule, as that term is defined in section 536.010, that is
49 created under the authority delegated in this section shall become effective only if it complies
50 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
51 This section and chapter 536 are nonseverable and if any of the powers vested with the general
52 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
53 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
54 any rule proposed or adopted after August 28, 2008, shall be invalid and void.

620.465. The division of tourism shall have the following powers:

2 (1) To formulate a program for the promotion of tourism in Missouri, including the
3 promotion of our state parks, fishing and hunting areas, historical shrines, vacation regions and
4 areas of historic or scenic interest;

5 (2) To cooperate with civic groups and local, state and federal departments and agencies,
6 and agencies and departments of other states in encouraging educational tourism and developing
7 programs therefor;

8 (3) To publish tourist promotional material such as brochures and booklets;

9 (4) To promote tourism in Missouri by articles and advertisements in magazines,
10 newspapers, radio, television and travel publications and by establishing promotional exhibitions
11 at travel shows and similar exhibitions;

12 (5) To establish and maintain travel offices at major points of entry to the state;

13 (6) To accept any grant of funds made to it for the promotion of tourism in Missouri;

14 (7) To do such other acts as shall, in the judgment of the division, be necessary and
15 proper in carrying out the purposes of sections 620.450 to 620.465;

16 **(8) To oversee the division of state parks that is responsible for the state park system**
17 **for the acquisition, development, maintenance and operation of state parks in accordance**
18 **with chapter 253.**

640.010. 1. There is hereby created a department of natural resources in charge of a
2 director appointed by the governor, by and with the advice and consent of the senate. The
3 director shall administer the programs assigned to the department relating to environmental
4 control and the conservation and management of natural resources. The director shall coordinate
5 and supervise all staff and other personnel assigned to the department. He shall faithfully cause

6 to be executed all policies established by the boards and commissions assigned to the
7 department, be subject to their decisions as to all substantive and procedural rules and his
8 decisions shall be subject to appeal to the board or commission on request of the board or
9 commission or by affected parties. The director shall recommend policies to the various boards
10 and commissions assigned to the department to achieve effective and coordinated environmental
11 control and natural resource conservation policies.

12 2. The director shall appoint directors of staff to service each of the policy making
13 boards or commissions assigned to the department. Each director of staff shall be qualified by
14 education, training and experience in the technical matters of the board to which he is assigned
15 and his appointment shall be approved by the board to which he is assigned and he shall be
16 removed or reassigned on their request in writing to the director of the department. All other
17 employees of the department and of each board and commission assigned to the department shall
18 be appointed by the director of the department in accord with chapter 36, and shall be assigned
19 and may be reassigned as required by the director of the department in such a manner as to
20 provide optimum service, efficiency and economy.

21 3. The air conservation commission, chapter 203 and others, the clean water
22 commission, chapter 204 and others, are transferred by type II transfer to the department of
23 natural resources. The governor shall appoint the members of these bodies in accord with the
24 laws establishing them, with the advice and consent of the senate. The bodies hereby transferred
25 shall retain all rulemaking and hearing powers allotted by law, as well as those of any bodies
26 transferred to their jurisdiction. All the powers, duties and functions of the state environmental
27 improvement authority, chapter 260 and others, are transferred by type III transfer to the air
28 conservation commission. All the powers, duties and functions of the water resources board,
29 chapter 256 and others, are transferred by type I transfer to the clean water commission and the
30 board is abolished. No member of the clean water commission shall receive or shall have
31 received, during the previous two years from the date of his appointment, a significant portion
32 of his income directly or indirectly from permit holders or applicants for a permit under the
33 jurisdiction of the clean water commission. [The state park board, chapter 253, is transferred to
34 the department of natural resources by type I transfer.]

35 4. [All the powers, duties and functions of the state soil and water districts commission,
36 chapter 278 and others, are transferred by a type II transfer to the department.

37 5.] All the powers, duties and functions of the state geologist, chapter 256 and others,
38 are transferred by type I transfer to the department of natural resources. All the powers, duties
39 and functions of the state land survey authority, chapter 60, are transferred to the department of
40 natural resources by type I transfer and the authority is abolished. All the powers, duties and
41 functions of the state oil and gas council, chapter 259 and others are transferred to the department

42 of natural resources by type II transfer. The director of the department shall appoint a state
43 geologist who shall have the duties to supervise and coordinate the work formerly done by the
44 departments or authorities abolished by this subsection, and shall provide staff services for the
45 state oil and gas council.

46 [6.] 5. All the powers, duties and functions of the land reclamation commission, chapter
47 444 and others, are transferred to the department of natural resources by type II transfer. All
48 necessary personnel required by the commission shall be selected, employed and discharged by
49 the commission. The director of the department shall not have the authority to abolish positions.

50 [7.] 6. The functions performed by the division of health in relation to the maintenance
51 of a safe quality of water dispensed to the public, sections 640.100 to 640.115, and others, and
52 for licensing and regulating solid waste management systems and plans are transferred by type
53 I transfer to the department of natural resources.

54 [8.] 7. (1) The state interagency council for outdoor recreation, chapter 258, is
55 transferred to the department of natural resources by type II transfer. The council shall consist
56 of representatives of the following state agencies: department of agriculture; department of
57 conservation; office of administration; department of natural resources; department of economic
58 development; department of social services; department of transportation; and the University of
59 Missouri.

60 (2) The council shall function as provided in chapter 258, except that the department of
61 natural resources shall provide all staff services as required by the council notwithstanding the
62 provisions of sections 258.030 and 258.040, and all personnel and property of the council are
63 hereby transferred by type I transfer to the department of natural resources and the office of
64 executive secretary to the council is abolished.

640.012. In all matters heard by the department of natural resources in this chapter and
2 chapters 260, [278,] 444, 643, and 644, the hazardous waste management commission in chapter
3 260, [the state soil and water districts commission in chapter 278,] the land reclamation
4 commission in chapter 444, the safe drinking water commission in this chapter, the air
5 conservation commission in chapter 643, and the clean water commission in chapter 644, the
6 burden of proof shall be upon the department of natural resources or the commission that issued
7 the finding, order, decision or assessment being appealed, except that in matters involving the
8 denial of a permit, license or registration, the burden of proof shall be on the applicant for such
9 permit, license or registration.

640.015. 1. All provisions of the law to the contrary notwithstanding, all rules that
2 prescribe environmental conditions or standards promulgated by the department of natural
3 resources, a board or a commission, pursuant to authorities granted in this chapter and chapters
4 260, [278,] 319, 444, 643, and 644, the hazardous waste management commission in chapter

5 260, [the state soil and water districts commission in chapter 278,] the land reclamation
6 commission in chapter 444, the safe drinking water commission in this chapter, the air
7 conservation commission in chapter 643, and the clean water commission in chapter 644 shall
8 cite the specific section of law or legal authority. The rule shall also be based on the regulatory
9 impact report provided in this section.

10 2. The regulatory impact report required by this section shall include:

11 (1) A report on the peer-reviewed scientific data used to commence the rulemaking
12 process;

13 (2) A description of persons who will most likely be affected by the proposed rule,
14 including persons that will bear the costs of the proposed rule and persons that will benefit from
15 the proposed rule;

16 (3) A description of the environmental and economic costs and benefits of the proposed
17 rule;

18 (4) The probable costs to the agency and to any other agency of the implementation and
19 enforcement of the proposed rule and any anticipated effect on state revenue;

20 (5) A comparison of the probable costs and benefits of the proposed rule to the probable
21 costs and benefits of inaction, which includes both economic and environmental costs and
22 benefits;

23 (6) A determination of whether there are less costly or less intrusive methods for
24 achieving the proposed rule;

25 (7) A description of any alternative method for achieving the purpose of the proposed
26 rule that were seriously considered by the department and the reasons why they were rejected in
27 favor of the proposed rule;

28 (8) An analysis of both short-term and long-term consequences of the proposed rule;

29 (9) An explanation of the risks to human health, public welfare, or the environment
30 addressed by the proposed rule;

31 (10) The identification of the sources of scientific information used in evaluating the risk
32 and a summary of such information;

33 (11) A description and impact statement of any uncertainties and assumptions made in
34 conducting the analysis on the resulting risk estimate;

35 (12) A description of any significant countervailing risks that may be caused by the
36 proposed rule; and

37 (13) The identification of at least one, if any, alternative regulatory approaches that will
38 produce comparable human health, public welfare, or environmental outcomes.

39 3. The department, board, or commission shall develop the regulatory impact report
40 required by this section using peer-reviewed and published data or when the peer-reviewed data

41 is not reasonably available, a written explanation shall be filed at the time of the rule
42 promulgation notice explaining why the peer-reviewed data was not available to support the
43 regulation. If the peer-reviewed data is not available, the department must provide all scientific
44 references and the types, amount, and sources of scientific information that was used to develop
45 the rule at the time of the rule promulgation notice.

46 4. The department, board, or commission shall publish in at least one newspaper of
47 general circulation, qualified pursuant to chapter 493, with an average circulation of twenty
48 thousand or more and on the department, board, or commission website a notice of availability
49 of any regulatory impact report conducted pursuant to this section and shall make such
50 assessments and analyses available to the public by posting them on the department, board, or
51 commission website. The department, board, or commission shall allow at least sixty days for
52 the public to submit comments and shall post all comments and respond to all significant
53 comments prior to promulgating the rule.

54 5. The department, board, or commission shall file a copy of the regulatory impact report
55 with the joint committee on administrative rules concurrently with the filing of the proposed rule
56 pursuant to section 536.024.

57 6. If the department, board, or commission fails to conduct the regulatory impact report
58 as required for each proposed rule pursuant to this section, such rule shall be void unless the
59 written explanation delineating why the peer-reviewed data was not available has been filed at
60 the time of the rule promulgation notice.

61 7. Any other provision of this section to the contrary notwithstanding, the department,
62 board, or commission referenced in subsection 1 of this section may adopt a rule without
63 conducting a regulatory impact report if the director of the department determines that immediate
64 action is necessary to protect human health, public welfare, or the environment; provided,
65 however, in doing so, the department, board, or commission shall be required to provide written
66 justification as to why it deviated from conducting a regulatory impact report and shall complete
67 the regulatory impact report within one hundred eighty days of the adoption of the rule.

68 8. The provisions of this section shall not apply if the department adopts environmental
69 protection agency rules and rules from other applicable federal agencies without variance.

640.016. 1. The department of natural resources shall not place in any permit any
2 requirement, provision, stipulation, or any other restriction which is not prescribed or authorized
3 by regulation or statute, unless the requirement, provision, stipulation, or other restriction is
4 pursuant to the authority addressed in statute.

5 2. Prior to submitting a permit to public comment the department of natural resources
6 shall deliver such permit to the permit applicant at the contact address on the permit application
7 for final review. In the interest of expediting permit issuance, permit applicants may waive the

8 opportunity to review draft permits prior to public notice. The permit applicant shall have ten
9 days to review the permit for errors. Upon receipt of the applicant's review of the permit, the
10 department of natural resources shall correct the permit where nonsubstantive drafting errors
11 exist. The department of natural resources shall make such changes within ten days and submit
12 the permit for public comment. If the permit applicant is not provided the opportunity to review
13 permits prior to submission for public comment, the permit applicant shall have the authority to
14 correct drafting errors in their permits after they are issued without paying any fee for such
15 changes or modifications.

16 3. In any matter where a permit is denied by the department of natural resources pursuant
17 to authorities granted in this chapter and chapters 260, [278,] 319, 444, 643, and 644, the
18 hazardous waste management commission in chapter 260, [the state soil and water districts
19 commission in chapter 278,] the land reclamation commission in chapter 444, the safe drinking
20 water commission in this chapter, the air conservation commission in chapter 643, and the clean
21 water commission in chapter 644, such denial shall clearly state the basis for such denial.

22 4. Once a permit or action has been approved by the department, the department shall
23 not revoke or change, without written permission from the permittee, the decision for a period
24 of one year or unless the department determines that immediate action is necessary to protect
25 human health, public welfare, or the environment.

Section B. Section A of this act shall become effective only upon the passage and
2 approval by the voters of a constitutional amendment submitted to them by the general assembly
3 regarding the transfer of the soil and water sales tax fund to the department of agriculture and
4 the transfer of the state parks sales tax fund to the division of tourism within the department of
5 economic development.

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